THE HON'BLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No.2534 of 1997

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Dated: September 28, 2005

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Between:

Kovvuru Balachandra Reddy,

S/o.Kovvuru Rama Subba Reddy,

aged about 38 years, R/o.17/54,

G.K. Street, Proddutur, Cuddapah District.

… Petitioner

And

Govt. of A.P., rep. by its Principal Secretary,

Home Department, Secretariat, Hyderabad,

and two others.

… Respondents

Order:

This writ petition is filed seeking Mandamus declaring G.O.Rt.No.1824/Home (Gen)

(C) Department dated 09-08-1996 of Respondent No.1, and the inaction of Respondent Nos.2 and 3 in returning the weapons to the petitioner, as illegal and arbitrary.

2. When the writ petition has been taken up for hearing, it is submitted by the learned counsel for the petitioner and admitted by the learned Government Pleader for Home that the subject matter of this writ petition is squarely covered by A judgment of this Court in **W.P.Nos.27373 of 1996 and 12283 of 1997 dated 21-11-1997**, wherein the learned single judge, while considering a similar issue disposed of the writ petitions holding as under. -

> Though *Prima facie,* the petitioners appear to be not factionists, as the writ petitions having been filed quite some time back and circumstances might have changed since then, it is necessary for the licencing authority to enquire into the conduct of the petitioners to ascertain whether they are factionists or not. If they are not factionists, the petitioners are entitled for release of their weapons and also for renewal of their licences by the licencing authority.
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> In view of the above discussion, I direct the licencing authority (R-2), to return the weapons to the petitioners, after renewing the licences, if the petitioners are not involved in any offences, if they are not factionists and if the weapons were not used in any offences by them. This exercise shall be completed within 30 days from the date of receipt of a copy of this order.
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> The writ petitions are accordingly disposed of. No costs.

3. Recording the said submission and following the ratio laid down in the aforesaid judgment, this writ petition is also disposed of for similar reasons. No costs.

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N.V. RAMANA, J

September 28, 2005

MRR